

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )  
                              )  
v.                           )    Criminal No. 05-CR-10222 (DPW)  
                              )  
DARNELL UPSHAW           )

**ASSENTED TO MOTION FOR AN AMENDED ORDER OF EXCLUDABLE DELAY**

The United States of America, by its attorneys, Michael J. Sullivan, United States Attorney, and Cynthia W. Lie, Assistant U.S. Attorney, and the defendant, Darnell Upshaw, hereby respectfully move, pursuant to 18 U.S.C. § 3161(h) and Section 5(f)(4) of the Plan for the Prompt Disposition of Criminal Cases of the United States District Court for the District of Massachusetts, in computing time within which the trial of this matter shall commence under 18 U.S.C. § 3161(c)(1), for an order to exclude time from the date of the status conference on October 18, 2005 to the date of the final status conference, December 6, 2005. Defense counsel David Apfel assented to this exclusion of time in the joint status report.

Therefore, the government respectfully requests that the Court grant this Motion for an Order of excludable delay.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By: /s/ Cynthia W. Lie

CYNTHIA W. LIE  
Assistant U.S. Attorney

Dated: October 21, 2005